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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,372	07/29/2003	Vladimir Askold Bogdanov	02584.000010.	6245

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EXAMINER	
PHAM, KHANH B	
ART UNIT	**PAPER NUMBER**
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/629,372	BOGDANOV, VLADIMIR ASKOLD	
	Examiner	Art Unit	
	Khanh B. Pham	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☒ Claim(s) *1* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the phrase : "best matching record **of in** the second database" at line 11 is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-25** rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer (US 6,252,831 B1), hereinafter "**Wehmeyer**", and in view of Nichols et al. (US 2003/0112729 A1), hereinafter "**Nichols**".

As per claim 1, Wehmeyer teaches a method for matching a track set comprising:

- "obtaining track duration data for the track set" at Col. 3 lines 55-60;
- "searching for matching records in a first database based on the rounded track duration data, each resulting matching record having an identifier" at Col. 3 lines 60-65;
- "retrieving track duration data from a second database based on the identifiers associated with the matching records" at Col. 4 lines 1-30;

- "comparing, if more than one matching record is found, the track duration data retrieved from the second database to the track duration data obtained for the track set to find a best matching record in the second database" at Col. 4 line 55 to Col. 5 line 25;
- "outputting metadata contained in the best matching record of the second database" at Col. 5 lines 60-65.

Wehmeyer does not explicitly teach: "rounding the track duration data for the track set." However, Nichols teaches a similar method for matching a track set including the step of "rounding the track duration data for the track set" at page 2, [0023]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Nichols with Wehmeyer's teaching. Nichols teaches the track offsets "are measured to the nearest second" in order to "capture some of the case where there are variations in track offsets on different pressing of a CD." (page 2, [0023].

As per claim 2, Wehmeyer and Nichols teach the method according to claim 1 discussed above. Wehmeyer also teaches: "comparing, for each matching record, the track duration data retrieved from the second database to the track duration data obtained for the track set to determine if each matching record meets a match quality threshold" at Col. 4 line 55 to Col. 5 line 25.

As per claim 3, Wehmeyer and Nichols teach the method of claim 1 discussed above. Wehmeyer also teaches: "wherein the track duration data for the track set is received by a server from a client device via a network and the metadata is sent from the server to the client device via the network" at Col. 4 lines 1-20.

As per claim 4, Wehmeyer and Nichols teach the method of claim 1 discussed above. Nichols also teaches: "wherein records of the first database are generated by rounding a sequence of track durations computed from table of contents data for each recording of a collection of digital audio recordings" at page 2, [0023].

As per claim 5, Wehmeyer and Nichols teach the method of claim 4 discussed above. Wehmeyer also teaches: "wherein the computed sequence of track duration data for each recording is obtained from the second database" at Col. 4 lines 1-20.

As per claim 6, Wehmeyer and Nichols teach the method of claim 4 discussed above. Wehmeyer also teaches: "wherein the computed sequence of track duration data for each recording is truncated to a predetermined number of tracks" at Col. 2 lines 65-67.

As per claim 7, Wehmeyer and Nichols teach the method of claim 4 discussed above. Nichols also teaches: "wherein the rounding of sequence of track durations comprises:

- "rounding each value in the sequence of track duration in a selected direction to a nearest integer multiple of a rounding factor when the value is not within a predetermined range of an integer multiple of the rounding factor" at [0023];
- "rounding each value in the sequence of track durations in both the selected direction and an opposite direction when the value is within the predetermined range of an integer multiple of the rounding factor" at [0023].

As per claim 8, Wehmeyer and Nichols teach the method according to claim 7 discussed above. Nichols also teaches: "further comprising generating multiple records for the first database from the sequence of track durations when at least one value in the sequence is rounded in both the selected direction and the opposite direction" at [0023].

As per claim 9, Wehmeyer and Nichols teach the method of claim 7 discussed above. Nichols also teaches: "wherein the multiple record corresponds to all possible permutations of the sequence resulting from values that have been rounded in both the selected direction and the opposite direction" at [0023].

As per claim 10, Wehmeyer and Nichols teach the method of claim 1 discussed above. Wehmeyer also teaches: "wherein the best matching record of the second database is determined by computing a sum of squared differences between a sequence of values in the track duration data retrieved from the second database and a

corresponding sequence of values in the track duration data obtained for the track set" at Col. 4 line 55 to Col. 5 line 25

Claims 11-25 recite similar limitations as in claims 1-10 and are therefore rejected by the same reasons.

Conclusion

4. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Primary Examiner
Art Unit 2166

February 8, 2007